



A GUIDE TO SENTENCING DUI OFFENDERS AIDS JUDGES AND PROSECUTORS

The National Highway Traffic Safety Administration (NHTSA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA) have prepared *A Guide to Sentencing DUI Offenders* for judges and prosecutors to fill a gap in information available to these groups. This user-friendly 20 page document aids judges and prosecutors in identifying the most effective combination of sanctions and treatment for various offenders. The Guide was based on published research in the field and has four main sections:

- Sentencing
- Specific Sanctions and Remedies
- Rehabilitation Options for Offenders
 - Sentenced to Treatment
- Compliance and Reporting

Sentencing

This section of the report begins by discussing the goals and objectives of sentencing offenders who are convicted of driving under the influence (DUI) of alcohol. There may be a number of objectives for sanctions, including retribution, incapacitation, special deterrence, general deterrence, and rehabilitation of the offender. Restitution and program financing may also be objectives in sentencing decisions. The report specifies some special considerations in sentencing and identifies factors influencing the risk of recidivism. There is a section explaining the importance of screening offenders for alcohol and drug problems.

Specific Sanctions and Remedies

Communities implement different approaches in sanctioning the offender. These include jail, weekend intervention programs, confinement in

detention facilities dedicated to DUI offenders, and probation. Some sanctions involve incapacitating the vehicle, such as ignition interlock devices, and other immobilization devices. This section of the report describes remedies to the DUI problem, such as license suspension, vehicle impoundment, and vehicle forfeiture. Sentencing approaches vary widely. Some other approaches include imposing financial sanctions on the offender or victim restitution programs, participating in community service programs, publishing offenders' names in the local newspaper, attending victim impact panels, and visiting hospital emergency departments as ordered by the court.

Rehabilitation Options

For offenders sentenced to treatment, this section presents information about education programs, treatment programs, and Alcoholics Anonymous.

Compliance and Reporting

Compliance of offenders with the sanction and reporting to the court about the outcome are important components of delivering certain, consistent, and coordinated sentencing. While certain forms of noncompliance are fairly common (driving while the license is suspended, for example), there are sentencing options for non-compliance.

HOW TO ORDER • • • • •

The report contains a full reference section. To obtain a copy of *A Guide to Sentencing DUI Offenders*, WRITE to the Office of Alcohol & State Programs, NTS-21, NHTSA, 400 Seventh Street, S.W., Washington, DC 20590, or send a fax to (202) 493-2088.